

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

BINGHAMTON UNIVERSITY COLLEGE
REPUBLICANS, et al,

Plaintiffs,

-against-

HARVEY G. STENGER, et al,

Defendants.

**DECLARATION OF
JOHN F. MOORE, AAG**

20-CV-0822

(LEK)(TWD)

John F. Moore, on the date noted below and pursuant to § 1746 of Title 28 of the United States Code, declares the following to be true and correct under penalty of perjury under the laws of the United States of America:

1. I am an Assistant Attorney General, of counsel in this matter to Letitia James, Attorney General of the State of New York, attorney for the defendants, Brian Rose, John Pelletier and Harvey Stenger (“State Defendants”). I am fully familiar with the facts and proceedings in this case.

2. I make this Declaration in support of the State Defendants’ opposition to Plaintiffs’ motion to amend the complaint.

3. The deposition exhibits which are being submitted include the following, which are true and accurate copies of deposition transcripts in this litigation (or, as noted, relevant portions thereof):

- | <u>Exhibit</u> | <u>Description of Exhibit</u> |
|-----------------------|--|
| a) | Ex 1: Relevant portions of October 6, 2022 Examination Before Trial Transcript of BU University Police Department (“UPD”) Lt. Steven Faulkner; |
| b) | Ex. 2: November 10, 2022 Examination Before Trial Transcript of Defendant BU UPD Police Chief John Pelletier; |
| c) | Ex. 3: February 17, 2023 Examination Before Trial Transcript of BU AVP of Emergency Services Timothy Faughnan; |
| d) | Ex.4: February 22, 2023 Examination Before Trial Transcript of Defendant BU Vice-President of Student Affairs Brian Rose; |
| e) | Ex. 5: February 24, 2023 Examination Before Trial Transcript of Defendant BU President Harvey Stenger; |
| f) | Ex. 6: January 26, 2023 Examination Before Trial Transcript of Defendant Student Association of Binghamton University (“SA”) Executive Vice-President (“EVP”) Daniel Rocabado; |
| g) | Ex. 7: January 27, 2023 Examination Before Trial Transcript of Defendant SA Associate Director Matthew Johnson; |
| h) | Ex. 8: March 3, 2023 Examination Before Trial Transcript of Binghamton University College Republicans current President Rein Bey; |
| i) | Ex. 9: January 10, 2023 Examination Before Trial Transcript of BU College Republicans former President John Restuccia; and |
| j) | Ex. 10: Relevant portions of March 24, 2023 Examination Before Trial Transcript of BU College Republicans former member Spencer Haynes. |

4. For the reasons set forth in the accompanying memorandum of law, the motion to amend the Complaint should be denied. Defendants reserve the right to move to dismiss these claims pursuant to FRCP 12 should the proposed amended pleading not be rejected for the numerous reasons set forth in the accompanying memorandum of law.

5. I declare under penalty of perjury that the foregoing is true and correct.

Dated: Albany, New York
June 21, 2023

LETITIA JAMES
Attorney General of the State of New York
Attorney for Defendants Stenger, Rose and
Pelletier
The Capitol
Albany, New York 12224-0341
By: *s/John F. Moore*
John F. Moore
Assistant Attorney General, of Counsel
Bar Roll No. 105188
Telephone: (518) 776-2293
Email: john.moore@ag.ny.gov

TO: All Counsel (via ECF).